

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

\_\_\_\_\_  
L.E., by his next friends and  
parents, SHELLEY ESQUIVEL and  
MARIO ESQUIVEL,  
Plaintiff,

v.

Case No.

BILL LEE, et al.,

3:21-cv-00835

Defendants.

\_\_\_\_\_  
VIDEOCONFERENCE DEPOSITION OF  
JENNIFER HEMMELGARN

DATE: Friday, July 29, 2022  
TIME: 9:33 a.m. CDT/10:33 a.m. EDT  
LOCATION: Remote Proceeding  
Washington, DC 20005  
REPORTED BY: Janel Folsom, Notary Public  
JOB NO.: 5335467

1           Q     Great, thank you. So now I would like to  
2 ask some questions about the overall structure of the  
3 public school system in Knox County.

4                     So first, would you please tell me what role  
5 Knox County Schools plays in overseeing the education  
6 system in Knox County?

7           A     The Board of -- the Knox County Board of  
8 Education is charged with -- I guess a way to say it  
9 is implementing the state's education system at a  
10 local level. The Knox County Board of Education  
11 develops policies that apply to the School District,  
12 and Knox County Schools employees are charged with  
13 following and implementing those policies.

14          Q     And who composes the Knox County Board?

15          A     It's a nine-member board composed of one  
16 representative from each of the nine districts and is  
17 led by a chair and a vice chair. That would be one of  
18 those nine members is a chair and one of those nine  
19 members is a vice chair.

20          Q     When you say nine districts, does that mean  
21 Knox County is geographically split into nine  
22 subcomponents?

1 interscholastic athletic team?

2 MS. JERNIGAN-JOHNSON: Same objection.

3 MS. BERGMAYER: Same objection.

4 A I'm -- I'm not aware of a girl participating  
5 on a sports team that -- being able to participate on  
6 a sports team that was designated as gender-specific.  
7 Like we discussed earlier, there are some sports teams  
8 that are not designated as gender-specific.

9 Q Okay. Thank you. And prior to the  
10 enactment of SB 228, did Knox County Schools as an  
11 institution or any Knox County Schools personnel play  
12 any role in drafting SB 228?

13 MS. JERNIGAN-JOHNSON: Object to the  
14 form.

15 A To my knowledge, Knox County Schools did not  
16 participate in drafting SB 228.

17 Q And prior to its enactment, did Knox County  
18 Schools or any Knox County Schools personnel advocate  
19 for the enactment into law of SB 228?

20 MS. JERNIGAN-JOHNSON: Object to the  
21 form.

22 MS. BERGMAYER: Same objection.

1           A     Not to my knowledge.

2           Q     And prior to its enactment, did Knox County  
3     Schools or any Knox County Schools personnel advocate  
4     against SB 228?

5                     MS. JERNIGAN-JOHNSON: Object to the  
6     form.

7                     MS. BERGMAYER: Same objection.

8           A     Not to my knowledge on behalf of Knox County  
9     Schools. I will clarify that the District employs  
10    nearly 10,000 people, so I'm sure that some employees  
11    have feelings one way or the other about the enactment  
12    of the law. So I don't want to speak on behalf of  
13    every employee, because likely some -- some people did  
14    have conversations for or against. But Knox  
15    County -- on behalf of Knox County Schools, to my  
16    knowledge, no.

17                    MR. STRONGIN: Great. Thank you. And  
18    now, Lucas, if you could introduce tab 8 as Exhibit 7,  
19    please.

20                             (Exhibit 7 was marked for  
21                             identification.)

22    //

1           Q     Okay. And what basis was given for enacting  
2     that policy?

3                     MS. JERNIGAN-JOHNSON: Object to the  
4     form.

5                     MS. BERGMAYER: Same objection.

6           A     To comply with state law.

7           Q     Okay. And if section 49-6-310(a) had never  
8     become operative law in Tennessee, would the Knox  
9     County Board of Education have enacted the changes to  
10    I-171 we just discussed?

11                    MS. JERNIGAN-JOHNSON: Object to the  
12    form.

13                    MS. BERGMAYER: Same objection.

14           A     I do not know.

15           Q     Okay. And if section 49-6-310(a) were to no  
16    longer be operative law in Tennessee, would Knox  
17    County Schools continue to enforce the policy changes  
18    to I-171 that it enacted in response to SB 228?

19                    MS. JERNIGAN-JOHNSON: Object to the  
20    form.

21                    MS. BERGMAYER: Same objection.

22           A     I -- I do not know. It -- state law would